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09/782,331	02/13/2001	William G. Hawkins	PKR 2 0655	9813
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Thomas E. Kocovsky, Jr.			EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP Seventh Floor			ROBINSON, DANIEL LEON	
1100 Superior Avenue Cleveland, OH 44114-2518		ART UNIT	DARED MUADED	
Cievelana, OH	44114-2518		AKT UNIT	PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner Oarlel 1. Robinson Oarles 2.331 HAWKINS, WILLIAM G. Examiner Daniel 1. Robinson Oarles 2.331 HAWKINS, WILLIAM G. Examiner Daniel 1. Robinson Oarles			lacksquare	/		
Examiner Daniel I. Robinson 3742	· •	Application No.	Applicant(s)			
Daniel L Robinson The MAILING DATE of this communication appears on the cov r sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ± MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. The maints 3K (SHORTER for the mailing date of this communication. If the period for reply specified above is loss than thing (30) days, a reply within the statutory minimum of thing (30) days, will be considered timely. The period for reply specified above is loss than thing (30) days, a reply within the statutory minimum of thing (30) days will be considered timely. The period for reply specified above is loss than thing (30) days, and part will the period to reply specified above is loss than thing (30) days, and the statutory minimum of thing (30) days will be considered timely. The period for reply specified above is loss than thing (30) days, and the statutory minimum of thing (30) days will be considered timely. The period for reply specified above is loss than thing (30) days and will be considered timely. The period for reply specified above is loss than thing (30) days, and the statutory is shall be considered timely. The period for reply specified above is loss than this (30) days and will be considered timely. The specification is offer the period of the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims The period of the above claim(s)	Office Action Summers	09/782,331 HAWKINS, WILLIAM G.				
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Het MALINES DATE OF THIS COMMUNICATION. Edenciors of time array be available under the provision of 37 cPt 1.15(6). In no event, however, may a raply be timely filed Edenciors of time may be available under the provision of 37 cPt 1.15(6). In no event, however, may a raply be timely filed Edenciors of time may be available under the provision of 18 cPt 1.15(6). In no event, however, may a raply be timely filed If the period for recipt's inspended above, the maximum and subtroy period value apply and vall eague files (5) (MONTHS from the mailing date of this communication. Fallule to reply villen his set or extended period for reply vill. By distinct, cause the application to become ABANDONED (38 U.S.C. § 133). Any may increased by the Office the than there months after the mailing date of this communication, even if timely filed, may reduce any Status 1) ■ Responsive to communication(s) filed on 13 February 2001 2a) ■ This action is FINAL. 2b) ■ This action is FINAL. 2b) ■ This action is FINAL. 2c) ■ This action is FINAL. 2b) ■ This action is FINAL. 2c) ■ This action is FINAL. 2c) ■ This action is FINAL. 2d) ■ This action is fire action in the application. 4a) Of the above claim(s) ■ is/are rejected. 5 □ Claim(s) ■ is/are allowed. 6 □ Claim(s) ■ is/are rejected. 7 □ Claim(s) ■ is/are rejected. 2 □ Claim(s) 1.21 are subject to by the Examiner. Application Papers 9 □ The specification is objected to by the Examiner. 10 □ The drawing(s) filed on ■ is/are: a) □ accepted or b □ objected to by the Examiner. 11 □ The proposed drawing correction filed on ■ is: a) □ approved by □ disapproved by the Examiner. 12 □ The proposed drawing correction filed o	Period for Reply	ears on the cov r sheet w	vith the correspondence address			
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Art Unit: 3742

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-17, drawn to a method of diagnostic imaging, classified in class 600, subclass 436.
- II. Claims 18-21, drawn to a diagnostic imaging apparatus, classified in class 600, subclass 447.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group II and Group I are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product can be used in another materially different process such as a method of diagnostic imaging with a smoothing processor.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Application/Control Number: 09/782,331

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This application contains claims directed to the following patentably distinct species of the claimed invention: the method claims, 1-11 without a gantry and 12-17 with a gantry are distinct species.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Thomas Kocovsky on 7-25-2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Robinson whose telephone number is 703 306-9043. The examiner can normally be reached on M-F 5:30am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703 308-1327. The fax phone numbers for the organization where this application or proceeding is assigned are 305-3463 for regular communications and 305-3463 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0861.

dlr July 25, 2002 Daniel Robbison
Ant Unit 3,742
While Rule